

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1058

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAYWOOD.

Pre-filed December 3, 2001, and 1000 copies ordered printed.

Read 1st time January 9, 2002.

Read 2nd time January 10, 2002, and referred to the Committee on Criminal Law, January 10, 2002.

Reported from the Committee on Criminal Law March 14, 2002, with recommendation that the bill Do Pass.

Taken up for Perfection April 15, 2002. Bill ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

2362L.01P

AN ACT

To repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to hate crimes, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 557.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 557.035, to read as follows:

557.035. 1. **For all violations of subdivision (1) of subsection 1 of section 569.040, RSMo, or subdivision (1) of subsection 1 of section 569.050, RSMo, in which the building or inhabitable structure damaged is a church or place where people assemble for worship, and which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class B Felony, unless a person has suffered serious physical injury or has died as a result of a violation of this subsection, in which case the violation is a class A felony.**

2. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 under this section, and the violation is a class C felony.

14 [2.] **3.** For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of
15 subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090,
16 RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or
17 section 574.050, RSMo; which the state believes to be knowingly motivated because of race,
18 color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the
19 state may charge the crime or crimes under this section, and the violation is a class D felony.

20 [3.] **4.** The court shall assess punishment in all of the cases in which the state pleads and
21 proves any of the motivating factors listed in this section.

22 [4.] **5.** For the purposes of this section, the following terms mean:

23 (1) "Disability", a physical or mental impairment which substantially limits one or more
24 of a person's major life activities, being regarded as having such an impairment, or a record of
25 having such an impairment; and

26 (2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
27 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
28 associated with one's gender.